

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO.: 5:05CR9-V

UNITED STATES OF AMERICA)

vs.)

HARRY JAMES,)
Defendant.)

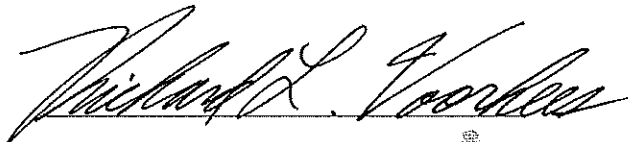
ORDER

THIS MATTER is before the Court on Defendant's "Motion For Reconsideration."
(Document #1326)

Defendant, through counsel, claims that he is entitled to relief pursuant to 18 U.S.C. §3582(c)(2) and Amendment 706 beyond that granted by the Court on April 29, 2010.¹ However, Defendant James fails to explain *how* he reaches this conclusion – particularly in light of the statutory mandatory minimum sentence that appears to govern. (Document #1185 / 3/25/09 Suppl. PSR) The Government did not move for a sentence beyond the statutory mandatory minimum pursuant to 18 U.S.C. §3553(e). Likewise, there was no Rule 35 motion for reduction made on James' behalf. Accordingly, Defendant's motion must be denied.

IT IS THEREFORE ORDERED that Defendant's Motion for Reconsideration is **DENIED**.

Signed: January 19, 2011



Richard L. Voorhees
United States District Judge



¹ Consistent with the recommendation of the U.S. Probation Department, this Court found Defendant James eligible for relief under Amendment 706 subject to any statutory provisions, namely, the statutory mandatory minimum sentence of 120 months. Thus, James' amended sentence was only reduced by one month. (Document #1323)